

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 25-mj- 1252

ISAIAS FERNANDO DIEGO- LUCAS

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of February 24, 2025, in the County of Chautauqua, in the Western District of New York, the defendant, an alien, was found in the United States, after previously being removed or deported from the United States, without prior authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, in violation of **Title 8, United States Code, Section 1326(a)**.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



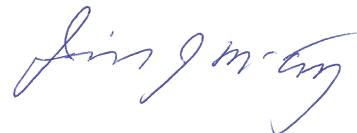
Complainant's signature

JANESSA MYLES
DEPORTATION OFFICER
IMMIGRATION AND CUSTOMS ENFORCEMENT

Printed name and title

Sworn to before me and signed telephonically.

Date: March 13, 2025



Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, JaNessa Myles, having been first duly sworn, do hereby depose and state as follows:

1. I am a Deportation Officer with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement, (ICE.) I have been so employed since the creation of DHS in March 2003. Prior to the creation of DHS, I was employed by the former Immigration and Naturalization Service under the United States Department of Justice since April of 1995.

2. As a part of my duties during my employment with ICE, I investigate violations of the Immigration and Nationality Act and violations of the United States Code, including violations of Title 8, United States Code, Section 1326(a), regarding the unlawful re-entry of previously removed aliens.

3. This affidavit is being submitted for a limited purpose, that is, a probable cause determination. Therefore, I have not presented all of the facts of this investigation to date. I have set forth only the information I believe to be necessary to establish probable cause. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from law enforcement officers and witnesses. This affidavit is intended

to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

4. I make this affidavit in support of a criminal complaint charging Isaias Fernando DIEGO-LUCAS, (DIEGO-LUCAS), with a violation of Title 8, United States Code, Section 1326(a) (re-entry of a previously removed alien). Since this affidavit is offered for the limited purpose of securing a criminal complaint, it does not contain all the information obtained during the course of the investigation.

5. On February 24, 2025, Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO) Buffalo Field Office conducted a targeted enforcement action in Dunkirk, New York to locate and arrest a final order alien. ICE ERO observed a male subject matching the description of the target, approximately 5'7" tall, weighs around 200 pounds, with black hair, exit the address and get into the back of a Black Chevy Suburban parked in front of the residence. Then, ICE ERO activated their emergency light, and conducted a vehicle stop on that Suburban. ICE ERO with Police/ICE identifiers on their outer clothing and wearing a body camera approached the driver side of the vehicle. ICE ERO identified themselves as Law Enforcement Officers to the driver and passengers of the vehicle. During questioning, a passenger seated in the back of the vehicle stated his name was Isais Fernando DIEGO- LUCAS and provided a Guatemala Identification Consular card bearing the same name. Immigration record checks were conducted on the scene by ICE ERO, and it was determined that DIEGO-LUCAS is a citizen and national of Guatemala who is illegally residing in the United States. DIEGO-LUCAS was taken into custody without

incident by ICE ERO and transported to the Buffalo Federal Detention Facility in Batavia, New York for further processing.

6. A complete set of fingerprints were electronically captured from DIEGO-LUCAS and submitted to the Federal Bureau of Investigation (FBI), Identification Division, in Clarksburg, West Virginia, via the Next Generation Identification System. This set of fingerprints produced a positive biometric match with Alien Registration Number XXX-XXX-640 and an FBI number of XXXXXXND4 relating to DIEGO-LUCAS, a native and citizen of Guatemala.

7. A review of the documents contained in the Alien Registration file for Isaias Fernando DIEGO-LUCAS revealed the following:

- a. On or about December 22, 2011, DIEGO-LUCAS was arrested by U.S. Border Patrol in Dunkirk, New York and detained.
- b. On or about January 23, 2012, DIEGO-LUCAS was ordered removed by the Immigration Judge.
- c. On or about February 01, 2012, DIEGO-LUCAS was physically removed from the United States.
- d. On or about February 24, 2025, DIEGO-LUCAS was arrested by ICE ERO in Dunkirk, New York and detained.

8. Based on the above referenced immigration record checks, Isaias Fernando DIEGO-LUCAS has no valid immigration status and is illegally present in the United States. Additionally, there is no evidence that Isaias Fernando DIEGO-LUCAS had any authorization or approval from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to re-enter the United States after his last removal.

WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that Isaias Fernando DIEGO-LUCAS did commit the offense of re-entry after deportation or removal in violation of Title 8, United States Code, Section 1326(a), in that Isaias Fernando DIEGO-LUCAS, a citizen and native of Guatemala, having been physically removed from the United States on, February 01, 2012, was thereafter found present in the Western District of New York on or about February 24, 2025, without prior authorization or approval from the Attorney General of the United States or the Secretary of the Department of Homeland Security.



JaNessa E. Myles
Deportation Officer
Immigration and Customs Enforcement

Sworn and subscribed to me telephonically
on this 13th day of March 2025.



HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE